

State of South Dakota

NINETIETH SESSION LEGISLATIVE ASSEMBLY, 2015

807W0349

SENATE BILL NO. 120

Introduced by: Senators Tidemann, Bradford, Brown, Frerichs, Haverly, Hunhoff (Bernie), Novstrup (David), Omdahl, Parsley, Peters, Peterson (Jim), Rave, Tieszen, and White and Representatives Munsterman, Anderson, Beal, Bolin, Cronin, Dryden, Duvall, Hawks, Hawley, Hunhoff (Jean), Jensen (Alex), Klumb, May, Mickelson, Peterson (Kent), Romkema, Rounds, Solum, Wiik, and Wollmann

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding special alcoholic
2 beverage licenses issued in conjunction with special events.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 35-4-124 be amended to read as follows:

5 35-4-124. Any municipality or county may issue:

- 6 (1) A special malt beverage retailers license in conjunction with a special event within
7 the municipality or county to any civic, charitable, educational, fraternal, or veterans
8 organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (16)
9 in addition to any other licenses held by the special events license applicant;
- 10 (2) A special on-sale wine retailers license in conjunction with a special event within the
11 municipality or county to any civic, charitable, educational, fraternal, or veterans
12 organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (12)
13 or chapter 35-12 in addition to any other licenses held by the special events license



applicant;

(3) A special on-sale license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4) or (6) in addition to any other licenses held by the special events license applicant; or

(4) A special off-sale package wine and malt beverage dealers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(3), (5), (12), (17A), or (19) or chapter 35-12 in addition to any other licenses held by the special events license applicant. A special off-sale package wine and malt beverage dealers licensee may only sell wine which is either manufactured by a farm winery that is licensed pursuant to chapter 35-12 or any donated wine and malt beverages which are purchased from a licensed South Dakota retailer. A complete record of the proof of purchase of the donated wine and malt beverages shall be maintained by the holder of the special license under this subdivision.

Any license issued pursuant to this section may be issued for a period of time established by the municipality or county. However, no period of time may exceed fifteen consecutive days. No public hearing is required for the issuance of a license pursuant to this section if the person applying for the license holds an on-sale alcoholic beverage license or a retail malt beverage license in the municipality or county or holds an operating agreement for a municipal on-sale alcoholic beverage license, and the license is to be used in a publicly-owned facility. The local governing body shall establish rules to regulate and restrict the operation of the special license, including rules limiting the number of licenses that may be issued to any person within any

1 calendar year.